

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF DOUGLAS

THIS AGREEMENT is entered into 22 December, 1999,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between
the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the
"State") and the CITY OF DOUGLAS, acting by and through its MAYOR and CITY COUNCIL (the
"City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401, 9-240 and 11-952 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The State and the City desire to design and construct a roadside rest area on SR-80 within the City, at an estimated cost of \$300,000.00, all at State expense, hereinafter referred to as the Project, for the safety and benefit of the traveling public. The parties agree that the City will be the lead agency for the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

=====

NO 23755
Filed with the Secretary of State
Date Filed: 12/22/99

Rickey Bayless
Secretary of State

By Vicky D. Shaenwood

II. SCOPE OF WORK

1 The City will:

a. Provide design plans, specifications and such other documents and services required for construction bidding and construction of the Project. Provide at no cost to the State any right-of-way required for the Project. Incorporate or resolve State review comments.

b. Comply with all applicable City and State procurement laws, rules and regulations. Call for bids, and with the concurrence of the State, award one or more construction contracts for the Project. Administer same and make all payments to the contractor(s). Obtain the approval of the State for any Project related contract modifications or "force account" work. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the City.

c. No more often than monthly, invoice the State in a total amount not to exceed \$300,000.00 for design and construction of the Project, and be responsible for all costs associated with the Project over and above the State's contribution of \$300,000.00.

d. Upon completion, approve and accept the Project on behalf of the parties hereto and provide maintenance.

2. The State will:

a. Review the design documents and provide comments.

b. Retain the right to cancel the Project after bid opening in the event of excessive cost.

c. Within 30 days after receipt and approval of invoices, pay the City in a total amount not to exceed \$300,000.00 as the cost of the Project.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project and payments; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the commencement of performance under this agreement, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

7. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

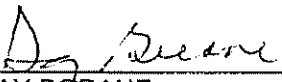
City of Douglas
City Manager
425 10th Street
Douglas, AZ 85607

8. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

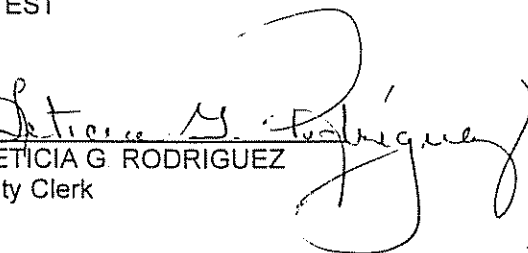
CITY OF DOUGLAS

STATE OF ARIZONA
Department of Transportation

By 
RAY BORANE
Mayor

By 
WILLIAM J. HIGGINS
Deputy State Engineer

ATTEST

By 
LETICIA G. RODRIGUEZ
City Clerk

RESOLUTION

BE IT RESOLVED on this 19th day of July 1999, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Douglas the purpose of defining responsibilities for the design, construction and maintenance to a new rest area on SR-80 in the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Contract Administrator for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', is written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director



THE CITY OF DOUGLAS

425 TENTH STREET, DOUGLAS, ARIZONA 85607

TELEPHONE (520) 364-1586
FAX (520) 364-7507

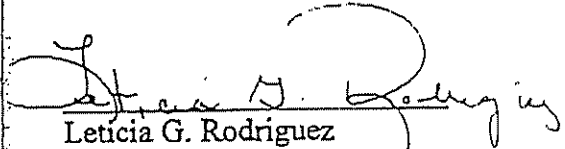
Leticia G. Rodriguez, C.P.M.
City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Douglas, Arizona, held on the 13th day of October, 1999. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of December, 1999.

-SEAL-


Leticia G. Rodriguez
City Clerk

"Douglas - the premier southwestern border community"

REGULAR MEETING – OCTOBER 13, 1999
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C. APPROVAL OF A LIQUOR LICENSE APPLICATION FOR MR. JOSE RODRIGUEZ VALENCIA OF THE "GOLD NUGGET" – 323 3RD STREET, DOUGLAS – APPLICATION SERIES NUMBER 6.

Motion by Councilman Quinonez, **second** by Councilman Ames to approve consent agenda items A and C, including item B, expenditures in the amount of \$1,339,675.02.

Roll Call: All members voted in favor. **MOTION CARRIED.**

7. DISCUSSION/DECISION ON APPROVAL OF FIRST READING OF ORDINANCE NUMBER 764, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DOUGLAS, COCHISE COUNTY, ARIZONA, AUTHORIZING THE CITY TO PURCHASE FOR TEN DOLLARS APPROXIMATELY 48,838 SQUARE FEET OF REAL PROPERTY FROM THE EL PASO NATURAL GAS COMPANY.

Motion by Councilman Quinonez, **second** by Councilman Jordan to place Ordinance Number 764 on first reading by number and title only.

Roll Call: All members voted in favor. **MOTION PASSED** and Ordinance Number 764 was read on first reading by number and title only.

Motion was made by Councilman Quinonez, **second** by Councilman Davis to approve the first reading and place on second reading by number and title only.

Roll Call: All members voted in favor. **MOTION PASSED.**

8. DISCUSSION/DECISION ON APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF DOUGLAS AND THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE LANDSCAPE MAINTENANCE OF A REST AREA AS PART OF THE HIGHWAY 80 REALIGNMENT.

During the study session, Mr. Ortega explained that this issue was the park/rest area that would be constructed as part of the highway realignment project. Mr. Ortega stated that Council was very concerned over the entrance to town and that this was to solidify maintenance. Mr. Ortega added that the City had agreed almost two years ago that if the state built the rest/park area that the City of Douglas would take it over for maintenance.

APPROVAL OF THE DOUGLAS CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF DOUGLAS and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 26th day of August, 1999.

Ante L. Sauls
City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

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INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR99-1826TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED December 16, 1999.

JANET NAPOLITANO
Attorney General



JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/602440

Enc.